

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NO. OSH 2003-8
SHELDON KELIINOI,	)	
	)	ORDER NO. 65
Complainant,	)	
vs.	)	ORDER CONSOLIDATING CASES FOR
	)	DISPOSITION AND PRETRIAL ORDER
SI-NOR, INC.,	)	
	)	
Respondent,	)	
and	)	
DIRECTOR, DEPARTMENT OF LABOR	)	
AND INDUSTRIAL RELATIONS,	)	
Appellee.	)	
_____	)	
In the Matter of	)	CASE NO. OSH 2003-9
SAMUEL KELIINOI,	)	
	)	
Complainant,	)	
vs.	)	
	)	
SI-NOR, INC.,	)	
	)	
Respondent,	)	
and	)	
DIRECTOR, DEPARTMENT OF LABOR	)	
AND INDUSTRIAL RELATIONS,	)	
Appellee.	)	
_____	)	
In the Matter of	)	CASE NO. OSH 2003-10
GENO AKUL,	)	
	)	
Complainant,	)	
vs.	)	
	)	

SI-NOR, INC.,  
Respondent,  
and  
DIRECTOR, DEPARTMENT OF LABOR  
AND INDUSTRIAL RELATIONS,  
Appellee.

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In the Matter of  
LEIGH WESTBROOK,  
Complainant,

vs.

SI-NOR, INC.,  
Respondent,  
and  
DIRECTOR, DEPARTMENT OF LABOR  
AND INDUSTRIAL RELATIONS,  
Appellee.

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CASE NO. OSH 2003-11

In the Matter of  
RUSSELL SANBORN,  
Complainant,

vs.

SI-NOR, INC.,  
Respondent,  
and  
DIRECTOR, DEPARTMENT OF LABOR  
AND INDUSTRIAL RELATIONS,  
Appellee.

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CASE NO. OSH 2003-12

In the Matter of	)	CASE NO. OSH 2003-13
	)	
PERRY SUA,	)	
	)	
Complainant,	)	
	)	
vs.	)	
	)	
SI-NOR, INC.,	)	
	)	
Respondent,	)	
	)	
and	)	
	)	
DIRECTOR, DEPARTMENT OF LABOR	)	
AND INDUSTRIAL RELATIONS,	)	
	)	
Appellee.	)	

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In the Matter of	)	CASE NO. OSH 2003-14
	)	
CLIFFORD BIRGADO,	)	
	)	
Complainant,	)	
	)	
vs.	)	
	)	
SI-NOR, INC.	)	
	)	
Respondent,	)	
	)	
and	)	
	)	
DIRECTOR, DEPARTMENT OF LABOR	)	
AND INDUSTRIAL RELATIONS,	)	
	)	
Appellee.	)	

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ORDER CONSOLIDATING CASES FOR DISPOSITION AND PRETRIAL ORDER

The Hawaii Labor Relations Board (Board) conducted a Second Initial Conference in Case Nos. OSH 2003-9 and 2003-14 on September 2, 2003 where counsel for the respective parties and Complainant Samuel Keliinoi, pro se, appeared by telephone conference call, and agreed to consolidate the cases for hearing and disposition because the cases arise from the same underlying incident. Complainant Clifford Birgado, pro se, did not appear or participate in this initial conference. Pursuant to Hawaii Administrative Rules (HAR) § 12-42-8(g)(13), the Board hereby consolidates the instant cases for the purposes of hearing and disposition.

Pursuant to the representations at the second initial conference in the consolidated cases, IT IS HEREBY ORDERED THAT:

1. The issues to be determined in each case are:
  - (a) Whether Respondent SI-NOR, INC. violated Hawaii Revised Statutes (HRS) §§ 396-8(e)(1) and (3) by discriminating against the named Complainant for engaging in protected activity?
  - (b) If so, whether the penalties imposed including reinstatement, payment of back wages, clearance of personnel records, and payment of a \$1,000 fine as imposed by the Hawaii Occupational Safety and Health Division, Department of Labor and Industrial Relations were appropriate?
2. Trial is scheduled on January 12 through 16, 2004 commencing at 9:30 a.m. in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii. The trial will continue from day-to-day until completed.
3. Discovery deadlines are:

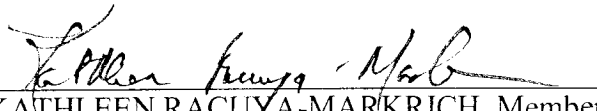
Designation of unnamed witnesses; identification of experts; and exchange of expert witness' reports	November 12, 2003
Designation of live witnesses	December 5, 2003
Discovery cut-off	December 12, 2003
4. Hereafter, this Pretrial Order shall control the course of proceedings and may not be amended except by consent of the parties and the Board, or by order of the Board.

DATED: Honolulu, Hawaii, September 5, 2003.

HAWAII LABOR RELATIONS BOARD

  
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BRIAN K. NAKAMURA, Chair

SHELDON KELIINOI v. SI-NOR, INC., et al.  
CASE NO. OSH 2003-8  
SAMUEL KELIINOI v. SI-NOR, INC., et al.  
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CASE NO. OSH 2003-12  
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CASE NO. OSH 2003-13  
CLIFFORD BIRGADO v. SI-NOR, INC., et al.  
CASE NO. OSH 2003-14  
ORDER NO. 65  
ORDER CONSOLIDATING CASES FOR DISPOSITION AND PRETRIAL ORDER

  
KATHLEEN RACUYA-MARKRICH, Member

NOTICE TO EMPLOYER

You are required to post a copy of this Order at or near where citations under the Hawaii Occupational Safety and Health Law are posted at least five working days prior to the trial date. Further, you are required to furnish a copy of this Order to a duly recognized representative of the employees at least five working days prior to the trial date.

Copies sent to:

Sheldon Keliinoi  
Samuel Keliinoi  
Geno Akui  
Leigh Westbrook  
Russell Sanborn  
Perry Sua  
Clifford Birgado  
J. Gerard Lam, Deputy Attorney General  
Preston A. Gima, Esq.